

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### GOVERNMENT OF GOA

#### Social Welfare Department

##### Notification

7-15-90-Prov/SWD

In exercise of the powers conferred by Article 15 of the Legislative Diploma No. 1984 dated 14-4-1960, the Government of Goa hereby makes the following rules so as to amend the Dayanand Smruti Niradhar Madat Yojana Rules, 1990, as follows:—

1. *Short title and commencement.*—(1) These rules may be called the Dayanand Smruti Niradhar Madat Yojana (Amendment) Rules, 1993.

(2) They shall come into force at once.

2. *Amendment of rule 5.*—In rule 5 of the Dayanand Smruti Niradhar Madat Yojana Rules, 1990, (hereinafter called the principal Rules), for clause (ii), the following shall be substituted, namely:—

“(ii) *Income Certificate.*—A certificate of income in the prescribed form as indicated in the Appendix VI shall be issued by the Mamlatdar of the concerned Taluka based on the report of the Talathis of the concerned Village Panchayats.”

3. *Amendment of Appendix VI.*—For Appendix VI of the principal Rules, the following shall be substituted, namely:—

#### APPENDIX VI

##### Income Certificate

(To be certified by the Mamlatdar of the concerned Taluka)

I hereby certify that to the best of my knowledge and belief, the total monthly income from all sources of the applicant/applicants/parents/husband/son/guardian is Rs. ... (Rupees ... (in words) for the year ... and that Shri/ /Smt. ... is a resident of ....

(Signature of the Mamlatdar)

Place:

Date:

By order and in the name of the Governor of Goa.

*E. Silveira*, Under Secretary to the Government of Goa, Social Welfare.

Panaji, 22nd February, 1993.

### Finance (Revenue & Control) Department

#### ORDER

2/6/87-Fin (R & C) Part I

In exercise of the powers conferred under Rule 5 of Government of Goa, Office of the Commissioner of Excise, Group 'B' Gazetted Post Recruitment Rules, 1991 published in the Official Gazette, Series I, No. 21 on 22-8-1991 the Government in consultation with the Goa Public Service Commission is pleased to exempt the Excise Inspectors who have completed 15 years of regular service in the grade from passing the departmental examination to be eligible for promotion to the post of Superintendent of Excise.

This issues with the concurrence of the Personnel Department vide their U. O. No. 1021 dated 10-2-1993.

By order and in the name of the Governor of Goa.

*Prabha Chandran*, Under Secretary (Fin. Exp.).

Panaji, 3rd March, 1993.

### Law (Legal and Legislative Affairs) Department

#### Notification

10-2-92/LA

The Industrial Finance Corporation (Transfer of Undertaking and Repeal) Ordinance, 1993 (No. 5 of 1993) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 2-1-1993, is hereby published for the general information of the public.

*P. V. Kadnekar*, Under Secretary, (Drafting).

Panaji, 8th February, 1993.

MINISTRY OF LAW, JUSTICE AND  
COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 2nd January, 1993/  
Pausa 12, 1914 (Saka)

The Industrial Finance Corporation (Transfer of Undertaking  
and Repeal) Ordinance, 1993

No. 5 of 1993

Promulgated by the President in the Forty-third  
Year of the Republic of India.

*An Ordinance to provide for the transfer and vesting  
of the undertaking of the Industrial Finance  
Corporation of India to and in the Company to  
be formed and registered as a Company under  
the Companies Act, 1956, and for matters con-  
nected therewith or incidental thereto and also  
to repeal the Industrial Finance Corporation Act,  
1948.*

Whereas the Industrial Finance Corporation  
(Transfer of Undertaking and Repeal) Ordinance,  
1992, to provide for the aforesaid matters was pro-  
mulgated by the President on the 1st day of  
October, 1992;

And Whereas the Industrial Finance Corporation  
(Transfer of Undertaking and Repeal) Bill, 1992  
was introduced in the House of the People to replace  
the said Ordinance, but has not been passed;

And whereas Parliament is not in session and the  
President is satisfied that circumstances exist which  
render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers con-  
ferred by clause (1) of article 123 of the Consti-  
tution, the President is pleased to promulgate the  
following Ordinance:—

1. *Short title and commencement.*—(1) This  
Act may be called the Industrial Finance Corpora-  
tion (Transfer of Undertaking and Repeal) Ordi-  
nance, 1993.

(2) It shall be deemed to have come into force on  
the 1st day of October, 1992.

2. *Definitions.*—In this Ordinance, unless the  
context otherwise requires,—

(a) “appointed day” means such date as the  
Central Government may, by notification in the  
Official Gazette, appoint under section 3;

(b) “Company” means the Indus-  
trial Finance Corporation of India  
Limited to be formed and registered  
under the Companies Act, 1956; 1 of 1956.

(c) “Corporation” means the Indus-  
trial Finance Corporation of India  
established under sub-section (1) of  
section 3 of the Industrial Finance  
Corporation Act, 1948. 15 of 1948.

3. *Undertaking of the Corporation to vest in the  
Company.*—On such date as the Central Govern-  
ment may, by notification in the Official Gazette,  
appoint, there shall be transferred to, and vest in,  
the Company the undertaking of the Corporation.

4. *General effect of vesting of undertaking in  
the company.*—(1) Every shareholder of the Cor-  
poration immediately before the appointed day shall  
be deemed to be registered on and from the  
appointed day as a shareholder of the Company to  
the extent of the face value of the shares held by  
such shareholder.

(2) The undertaking of the Corporation which is  
transferred to and which vests in the Company  
under section 3 shall be deemed to include all  
business, assets, rights, powers, authorities and pri-  
vileges and all properties, movable and immovable,  
real and personal, corporeal and incorporeal, in  
possession or reservation, present or contingent of  
whatever nature and wheresoever situate including  
lands, buildings, vehicles, cash balances, deposits,  
foreign currencies, disclosed and undisclosed reser-  
ves, reserve fund, special reserve fund, benevolent  
reserve fund, any other fund, stocks, investments,  
shares, bonds, debentures, security, management of  
any industrial concern, loans, advances and guaran-  
tees given to industrial concerns, tenancies, leases  
and book debts and all other rights and interests  
arising out of such property as were immediately  
before the appointed day in the ownership, pos-  
session or power of the Corporation in relation to  
its undertaking, within or without India, all books  
of accounts, registers, records and documents  
relating thereto and shall also be deemed to include  
all borrowings, liabilities and obligations of what-  
ever kind within or without India then subsisting  
of the Corporation in relation to its undertaking.

(3) All contracts, deeds, bonds, guarantees,  
powers of attorney, other instruments and working  
arrangements subsisting immediately before the  
appointed day and affecting the Corporation shall  
cease to have effect or to be enforceable against  
the Corporation and shall be of as full force and  
effect against or in favour of the Company in which  
the undertaking of the Corporation has vested by  
virtue of this Ordinance and enforceable as fully  
and effectually as if instead of the Corporation, the  
Company had been named therein or had been a  
party thereto.

(4) Any proceeding or cause of action pending  
or existing immediately before the appointed day  
by or against the Corporation in relation to its  
undertaking may, as from the appointed day, be  
continued and enforced by or against the Company  
in which the undertaking of the Corporation has  
vested by virtue of this Ordinance as it might have  
been enforced by or against the Corporation if this  
Ordinance had not been promulgated and shall  
cease to be enforceable by or against the Corpo-  
ration.

5. *Concession, etc., to be deemed to have been  
granted to the Company.*—With effect from the  
appointed day, all fiscal and other concessions,  
licences, benefits, privileges and exemptions gran-  
ted to the Corporation in connection with the  
affairs and business of the Corporation under any  
law for the time being in force shall be deemed to  
have been granted to the Company.

6. *Tax exemption or benefit to continue to have effect.* — (1) Where any exemption from, or any assessment with respect to, any tax has been granted or made or any benefit by way of set off or carry forward of any unabsorbed depreciation or investment allowance or other allowance or loss has been extended or is available to the Corporation under the Income-tax Act, 1961, such exemption, assessment or benefit shall continue to have effect in relation to the Company.

43 of 1961.

(2) Where any payment made by the Corporation is exempt from deduction of tax at source under any provision of the Income-tax Act, 1961, such exemption will continue to be available as if the provisions of the said Act made applicable to the Corporation were operative in relation to the Company.

43 of 1961.

(3) The transfer and vesting of the undertaking or any part thereof in terms of section 3 shall not be construed as a transfer within the meaning of the Income-tax Act, 1961 for the purposes of the capital gains.

43 of 1961.

7. *Guarantee to be operative.* — Any guarantee given for or in favour of the Corporation with respect to any loan, lease finance or other assistance shall continue to be operative in relation to the Company.

8. *Provisions in respect of officers and other employees of Corporation* — (1) Every officer or other employee of the Corporation (except Director of the Board, Chairman or Managing Director) serving in the employment immediately before the appointed day shall, in so far as such officer or other employee is employed in connection with the undertaking which has vested in the Company by virtue of this Ordinance, become, as from the appointed day, an officer or, as the case may be, other employee of the Company and shall hold his office or service therein by the same tenure at the same remuneration, upon the same terms and conditions, with the same obligations and with the same rights and privileges as to leave, leave fare concession, welfare scheme, medical benefit scheme, insurance, provident fund, other funds, retirement, voluntary retirement, gratuity and other benefits as he would have held under the Corporation if its undertaking had not vested in the Company and shall continue to do so as an officer or, as the case may be, other employee of the Company or until the expiry of a period of six months from the appointed day if such officer or other employee opts not to continue to be the officer or other employee of the Company within such period.

(2) Where an officer or other employee of the Corporation opts under sub-section (1) not to be in employment or service of the Company, such officer or other employee shall be deemed to have resigned.

(3) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the transfer of the services of any officer or other employee of the Corporation to the Company shall not

14 of 1947.

entitle such officer or other employee to any compensation under this Ordinance or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(4) The officers and other employees who have retired before the appointed day from the service of the Corporation and are entitled to any benefits, rights or privileges shall be entitled to receive the same benefits, rights or privileges from the Company.

(5) The trust of the provident fund or the gratuity fund of the Corporation and any other bodies created for the welfare of officers or employees would continue to discharge their functions in the Company as was being done hitherto in the Corporation and any tax exemption granted to the provident fund or the gratuity fund would continue to be applied to the Company.

(6) Notwithstanding anything contained in this Ordinance or in the Companies Act, 1956 or in any other law for the time being in force or in the regulations of the Corporation, no Director of the Board, Chairman, Managing Director or any other person entitled to manage the whole or substantial part of the business and affairs of the Corporation shall be entitled to any compensation against the Corporation or the Company for the loss of office or for the premature termination of any contract of management entered into by him with the Corporation.

1 of 1956.

9. *Act 18 of 1891 to apply to the books of the Company.* — The Company shall be deemed to be a bank for the purposes of the Bankers' Books Evidence Act, 1891.

10. *Shares, bonds and debentures to be deemed to be approved securities.* — Notwithstanding anything contained in any other law for the time being in force, the shares, bonds and debentures of the Company shall be deemed to be approved securities for the purposes of the Indian Trusts Act, 1882, the Insurance Act, 1938 and the Banking Regulation Act, 1949.

2 of 1882.

4 of 1938.

10 of 1949.

11. *Repeal and saving of Act 15 of 1948.* — (1) On the appointed day, the Industrial Finance Corporation Act, 1948 shall stand repealed.

(2) Notwithstanding the repeal of the Industrial Finance Corporation Act, 1948, the Company shall, so far as may be, comply with the provisions of sections 33, 34, 34A, 35 and 43 of the Act so repealed for any of the purposes related to the annual accounts of the Corporation.

15 of 1948.

12. *Repeal and saving of Ord. 17 of 1992.* — (1) The Industrial Finance Corporation (Transfer of Undertaking and Repeal) Ordinance, 1992 is hereby repealed.

(2) Notwithstanding the repeal of the Industrial Finance Corporation (Transfer

of Undertaking and Repeal) Ordinance, 17 of 1992, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Ordinance.

SHANKER DAYAL SHARMA,  
President.

K. L. MOHANPURIA,  
Secy. to the Govt. of India.

### Department of Inland Water Transport

#### Notification

1/27/92-IWT

In exercise of the powers conferred by section 4 of the Indian Ports Act, 1908 (Central Act 15 of 1908) (hereinafter called the 'said Act'), the Government of Goa hereby extends the provision of the said Act to the port of Betul and declares that the area comprised in the said port and limits thereof shall for the purpose of the said Act, be as specified below: —

*Betul:* Tidal Waters of the River Sal East of meridian passing through Long. 73°57' E.

The above mentioned limits shall include all wharves and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance or good government of the port and its approaches, whether within or without high-water mark, and, subject to any rights of private property therein, any portion of the shore or bank within fifty yards of high-water mark.

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (IWT).

Panaji, 17th February, 1993.

### Government Press

#### Notice

The subscribers to the Official Gazette are kindly reminded that their present subscription term ends on the 31st March, 1993, being the end of financial year.

In case they wish to continue to be subscribers for the ensuing financial year of 1993-94 they have to renew their subscription from 1st April, 1993.

Subscriptions also can be opened for half year i.e. from 1st April, 1st July or 1st October or for any quarter, beginning on 1st April, 1st July, 1st October or 1st January.

Renewal of subscription from 1st April should be effected on or before 31st March, 1993, in order to avoid interruption in the despatch of copies of the Gazette. It should be noted that, in case the subscription is not opened/renewed before the commencement of the period to which it refers, the subscribers will be entitled to receive copies of the Gazette only from the date the subscription is actually opened/renewed.

The subscription charges are accepted either in cash, postal order or demand draft only on State Bank of India, Panaji, in favour of the Director, Printing and Stationery, Panaji, Goa. Remittances by cheques or any other form of payment will not be accepted.

The revised subscription rates, with effect from 1-1-1991, are as follows:

#### SUBSCRIPTION RATES

(Within the Union of India)

	All 3 Series	Series I	Series II	Series III
	Rs. P.	Rs. P.	Rs. P.	Rs. P.
For any quarter .....	54-00	28-00	24-00	23-00
(Postage) .....	4-00	4-00	4-00	4-00
For half year .....	72-00	36-00	30-00	36-00
(Postage) .....	8-00	8-00	8-00	8-00
For any period exceeding				
6 months upto one year	120-00	60-00	48-00	60-00
(Postage) .....	16-00	16-00	16-00	16-00

The postal charges indicated above are provisional and may be changed at any time during the subscription period.